

**BOARD OF CHIROPRACTIC EXAMINERS
MINUTES**

DATE: August 20, 2020

TIME: 9:00 AM CST

LOCATION: Iris Conference Room and WebEx
665 Mainstream Dr, 1st Floor
Nashville TN 37243

MEMBERS PRESENT: Curtis Damien, D.C., President
Cole Hosenfeld, D.C., Vice-President
Jason Hulme, D.C., Secretary
Dale Blackwelder, D.C., Board Member

STAFF PRESENT: Noranda French, Board Director
Mary V. Bennett, Board Manager
Sabrina Craig-Boyd, Board Administrator
Mark Cole, Associate General Counsel
Taylor Gregory, Paralegal

ADDITIONAL ATTENDEES Phillip Hilliard, Administrative Law Judge
Rob McKinney, Attorney
Carol Kimmel-Briggs, Court Reporter

Contested Case of Dr. David Pearce

Conclusion of hearing for Dr. David Pearce took place on August 20, 2020. Meeting start time was 8:15am CST.

This matter came to be heard before the Tennessee Board of Chiropractic Examiners (Board) on the 16th day of July, 2020 and concluded on the 20th day of August, 2020, pursuant to a Notice of Hearing and Charges and Memorandum for Assessment of Civil Penalties filed against the Respondent. Presiding at the hearing was the Honorable Phillip Hilliard, Administrative Law Judge, assigned by the Secretary of State. The State was represented by Mark Cole, Assistant General Counsel. The Respondent was present by WebEx and was represented by counsel, Rob McKinney, of the Nashville, Tennessee, bar. After consideration of the Notice of Hearing and Charges and Memorandum for Assessment of Civil Penalties, testimony of witnesses, argument of counsel, and the record as a whole, the Board finds as follows:

Findings of Fact

Respondent is licensed by the Tennessee Board of Chiropractic Examiners as a chiropractor in the State of Tennessee, having been granted license no. 1398 on or about August 28, 1997, and it expired May 31, 2019. The Board, having jurisdiction over this matter, finds the facts in this Order are insufficient to establish that the Respondent has violated the provisions of TENN. CODE ANN. §63-4-101, *et seq.* and the Official Compilation of Rules and Regulations of the State of Tennessee for the Board of Chiropractic Physicians (TENN. COMP. R. & REGS.) 0260-02-.01, *et seq.*

Reason for the Decision

The Board, having jurisdiction over this matter, finds the Tennessee Department of Health did not meet the preponderance of evidence criteria. The Board makes this decision that no action is in order to protect the citizens of Tennessee. **THEREFORE**, it is **ORDERED** that charges alleged in the Notice of Charges are **DISMISSED**.

Having no other board business to discuss, Dr. Blackwelder made motion to adjourn this meeting at 6:58pm CTS. Dr. Hosenfeld seconded the motion. Dr. Blackwelder, aye, Dr. Damien, aye, Dr. Hosenfeld, aye, Dr. Hulme, aye. The motion passed.

These minutes were ratified at the October 15, 2020 meeting of the Board of Chiropractic Examiners.